

App. No. 09/980419
Office Action Dated November 3, 2004
Amd. Dated February 25, 2005

REMARKS

Reconsideration is respectfully requested in view of the above amendments and following remarks. Claims 3, 6-8, 12, 15, 16, 22, 26, 31 and 32 are amended. Claims 3, 6-8, 12 and 22 have been amended to depend from claim 33. Claims 15, 16 and 26 have been amended to depend from claim 34. Claims 1, 4, 5, 11, 14 and 21 are canceled without prejudice or disclaimer. Claims 33 and 34 are new. Claim 33 incorporates limitations recited in claim 1, 4, 5 and 21. Claim 34 incorporates limitations recited in claims 11, 14 and 21. No new matter has been added. Claims 3, 6-10, 12, 15-20 and 22-34 are pending.

Claim rejections - 35 U.S.C. § 112

Claims 1, 3-12 and 14-32 are rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. Applicant respectfully traverses the rejection.

The Examiner asserts the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner states it is not clear where the instant specification supports the 1.5 to 60 g/m² basis weight of the paper, as claimed as being the weight after impregnation.

Applicant respectfully refers the Examiner to the Background section of the application. A tile is produced according to the state of the art amongst other ways, as follows (page 1, line 15). Paper impregnated with resin, which is called "counter-pull paper" is prepared (page 1, lines 15-17). A carrier plate is placed over the counter-pull

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paper, a further resin-impregnated paper is arranged above the plate (page 1, lines 17-18). The paper is arranged above the plate, thus it is understood that the paper is the same resin-impregnated paper (page 1, line 21). The papers used in the state of the art generally have a weight above 70 g/m² and if the value is not reached, the paper is not sufficiently resistant to tearing (page 2, lines 22-25).

With regard to claims 1 and 11 (new claims 33 and 34 respectively), applicants points the Examiner to page 5, lines 1-8 and lines 10-12. A resin mixture or dispersion is used for impregnation. With such a mixture or dispersion weights of paper (understood to be the impregnated paper) to a lower limit of 15 g/m² can be achieved. Papers produced in such a way are sufficiently resistant to tearing. The paper should not exceed an upper limit of 60 g/m². Thus, it is understood that the resulting impregnated paper has a lower limit of 15 g/m² and an upper limit of 60 g/m². Withdrawal of the rejection is respectfully requested.

Claim rejections - 35 U.S.C. § 103

Claims 1, 3-12 and 14-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (US 4,473,613) in view of Moroff et al. (US 3,853,594). Applicant respectfully traverses the rejection.

Jaisle does not teach the use of acrylate or the advantages derived therefrom. For example, the use of acrylate in the paper results in a paper that is more resistant to tearing while having a lower weight per unit area than conventional papers, which enables the paper to better handle the mechanical loads during production of tile using the paper and even allowing the impregnation speed during production of tiles using the paper to increase dramatically from 40-60 m/min to 120 m/min, which is at least a doubling of the

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current speed while reducing the amounts of materials used (see, e.g., page 3, lines 20-30). Jaisle appears to rely on a separate reinforcing member for tear resistance (see, e.g., column 5, line 62 to column 6, line 3 of Jaisle).

Jaisle also does not explicitly disclose that the impregnated décor sheet has a weight within the range that is claimed. Jaisle discloses that the décor sheet can be a printed paper that has a basis weight of 16-160 g/m². This disclosed weight is the weight of the paper prior to impregnation with the acrylic resin. It is not the weight of the impregnated paper as claimed. The weight of the impregnated décor sheet is not disclosed by Jaisle, and the Examiner has not pointed to any disclosure in Jaisle that teaches that the weight of the impregnated décor sheet would have a weight falling within the claimed range.

Further, Jaisle does not teach to conduct a paper through rollers which are pressed together and whereby the acrylate-containing dispersion or mixture is being continuously applied to at least one of the rollers. Jaisle also does not teach to add color pigment to the acrylate.

Moroff does not remedy the deficiencies of Jaisle. Moroff is directed to the production of a decorative paper having a "highly glossy" surface. (Col. I, II. 8-10). Moroff teaches that unfilled decorative papers are "saturated" with the resin by dipping the papers in a trough of dispersion matrix. (Col. 3, II. 5-9). The starting paper used under the process taught by Moroff has a weight of 200 to 220 g/m². (Col. 5, II. 60-62; col. 6, II. 63-67). Thus, Moroff also fails to teach the production of a paper having an impregnated paper weight of no greater than 60 g/m².

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Neither Jaisle nor Moroff, alone or in combination, teaches or suggests an impregnated paper comprising an acrylate and at least one color pigment selected from the group consisting of aluminum silicate, calcium carbonate, TiO_2 , Al_2O_3 , magnesium silicate and combinations thereof. The weight of the impregnated paper is not greater than 60 g/m². Thus, neither Jaisle nor Moroff, alone or in combination, render the features of claims 33 and 34 obvious. Withdrawal of the rejection is respectfully requested.

Claims 1, 4, 5, 11, 14 and 21 have been canceled. Claims 3, 6-10, 12 and 19-25 depend either directly or indirectly from claim 33 and claims 26-30 depend either directly or indirectly from claim 34. For the reasons discussed above for claims 33 and 34, withdrawal of the rejection is respectfully requested.

Claims 11, 12, 14-18 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (US 4,473,613). Applicant respectfully traverses the rejection. Claim 14 has been canceled. Claims 12, 15-18 and 26-30 depend either directly or indirectly from claim 34. For the reasons discussed above regarding Jaisle with reference to claim 34, withdrawal of the rejection is respectfully requested.

Claims 32 and 33 (31 and 32) are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (US 4,473,613) as applied to claims 1, 3-12 and 14-30, and further in view of applicant's admission of the state of the art at page 1, lines 15-20. Applicant respectfully traverses the rejection. For the reasons discussed above regarding Jaisle with reference to claims 33 and 34, withdrawal of the rejection is respectfully requested.

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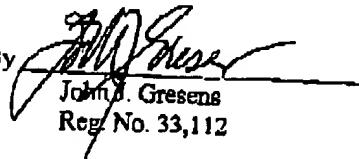
In view of the above, favorable reconsideration in the form of a notice of allowance is requested. Any questions or concerns regarding this communication can be directed to the undersigned attorney, John J. Gresens, Reg. No. 33,112, at (612)371.5265.

Respectfully submitted,

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JJG:smm

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